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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PUBLIC WORKS AND PARKS COMMITTEE

VINCENT MUSCARELLA, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, June 3, 2013
2:10 P.M

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2 A P P E A R A N C E S:3 VINCENT MUSCARELLA, (Substituted by
4 Chairman Rose Walker)

4

5 HOWARD KOPEL,
6 Vice Chairman

6 FRANCIS BECKER

7 MICHAEL VENDITTO

8 DAVID DENENBERG,
9 Ranking

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10 JOSEPH SCANNELL

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11 CARRIE SOLAGES

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12 WILLIAM J. MULLER, III
13 Clerk of the Legislature

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LIST OF SPEAKERS

ROB WALKER, Nassau County,
Chief Deputy County Executive.....9

Public Works and Parks Committee/6-3-13

2 VICE CHAIRMAN KOPEL: Legislator
3 Becker?

4 LEGISLATOR BECKER: Present.

5 VICE-CHAIRMAN KOPEL: Legislator
6 Venditto?

7 LEGISLATOR VENDITTO: Here.

8 VICE CHAIRMAN KOPEL: Legislator
9 Denenberg?

10 LEGISLATOR DENENBERG: Here.

11 VICE-CHAIRMAN KOPEL: Legislator
12 Scannell?

13 LEGISLATOR JACOBS: Here.

14 VICE-CHAIRMAN KOPEL: Legislator
15 Solages is here. I'm here. We have a
16 quorum. I'm sorry. We have Legislator
17 Walker who is substituting for Legislator
18 Muscarella.

19 We have three items today. With
20 the consent of the ranking member,
21 Legislator Denenberg, I would like to call
22 them all together. Dave?

23 LEGISLATOR DENENBERG: Legislator
24 Kopel, the quick answer would be yes but,
25 let me just ask you a question. What are we

Public Works and Parks Committee/6-3-13

2 planning on doing with the capital plan, are
3 we going to have a hearing on this?

4 VICE CHAIRMAN KOPEL: Okay. I'm
5 glad you asked. I was just about to say
6 that. What we are going to do is tee it up
7 because we're going to have Full Legislative
8 hearing at which all the legislators will
9 certainly have questions to ask. We have
10 someone here just to present it, but we
11 would like to defer any significant
12 questioning for the full hearing before the
13 legislature.

14 LEGISLATOR DENENBERG: I have no
15 problem with deferring the full hearing --
16 I'm sorry. Typically, in the past, when I
17 chaired this committee, we did a full
18 hearing in committee and then there was
19 another hearing before the full leg. If you
20 want this to just have a full hearing before
21 the full leg, my concern is, we're going to
22 end up voting that same day, so that if
23 legislators are requesting meaningful
24 amendments, how could we do it unless the
25 hearing is before there would be amendments?

Public Works and Parks Committee/6-3-13

2 VICE CHAIRMAN KOPEL: Well, the
3 answer is that, if you -- if the legislators
4 don't want to vote on it the same say, I
5 think we might be amenable to having the
6 hearing one day and voting on it another
7 day.

8 LEGISLATOR DENENBERG: That's
9 what I would like to do. We've usually done
10 it that way.

11 VICE CHAIRMAN KOPEL: No problem.
12 Let's do it that way. It's -- I mean, as
13 long as nobody objects, we will have to
14 check with the presiding officer, but that
15 sounds like a reasonable proposition.

16 LEGISLATOR DENENBERG: Because my
17 concern is this, it's a billion dollars. To
18 pass a billion dollars without a hearing --
19 this is a billion dollars. To pass a
20 billion dollars without a hearing is
21 something that I don't think any legislator
22 should or would want to do. But we're
23 questioning a billion dollars at a hearing,
24 and we all should, and I'm willing to defer
25 that hearing to a full legislative hearing,

Public Works and Parks Committee/6-3-13

2 I want it on a separate day just so that if
3 there's agreement, if there's amendments, if
4 there's give and take as there typically is,
5 there is ability to properly file amendments
6 before the actual vote.

7 Again, I think it would be a
8 disservice to the people of Nassau County to
9 pass a billion dollars worth of a capital
10 plan with only a hearing on the day of the
11 final vote.

12 I think it's much better for us
13 to have that full hearing, as you requested,
14 but not the same day we're going to vote.

15 VICE CHAIRMAN KOPEL: Legislator
16 Denenberg, I think that your points are well
17 taken, and I want to point out that it's
18 entirely within the minority's control to
19 make sure that happens. We need 13 votes to
20 pass the capital budget.

21 So if you're not providing the
22 votes then and you don't want a vote on that
23 day, even if we try to force a vote, it's
24 not going to do us any good. So I wouldn't
25 be too concerned.

Public Works and Parks Committee/6-3-13

2 LEGISLATOR DENENBERG: Well, you
3 can force a vote that then doesn't go
4 through and then try to make a point that we
5 voted against the capital plan --

6 VICE CHAIRMAN KOPEL: I don't --

7 LEGISLATOR DENENBERG: And what
8 I'm asking you to do is not to do that
9 because if we're doing a hearing where we
10 want to be part of the hearing, obviously we
11 want to ask questions, and I doubt that
12 we'll give you the three votes on the same
13 day as the hearing. We would want a real
14 hearing with all the legislators.

15 VICE CHAIRMAN KOPEL: Understood.

16 LEGISLATOR DENENBERG: Thank you.

17 VICE CHAIRMAN KOPEL: So the
18 three items are, 219 of '13 which is a
19 resolution to adopt the four year plan
20 commencing January 1, 2013; 220 of '13 is a
21 bond ordinance providing for capital
22 expenditure to finance the capital plan; 221
23 of '13 is an ordinance to adopt the capital
24 budget for the first year of the four year
25 capital plan, again, commencing January 1,

Public Works and Parks Committee/6-3-13

2 2013. Mr. May.

3 MR. MAY: We have Chief Deputy
4 County Executive Rob Walker to answer any
5 questions on these three items.

6 VICE CHAIRMAN KOPEL: Mr. Walker.
7 First we need a motion.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR VENDITTO: Second.

10 VICE CHAIRMAN KOPEL: Motion by
11 Legislator Walker, seconded by Legislator
12 Venditto. The matter is before us.

13 MR. WALKER: Very briefly, we
14 look forward to working with the
15 legislature, both the majority and minority
16 in continuing to develop this plan.

17 Obviously, as Legislator
18 Denenberg mentioned, it is a billion
19 dollars, the bulk of that being the work
20 that needs to be done in our sewage
21 treatment facilities, of which we believe
22 that will be reimbursed from the Federal
23 Government so it would not be adding a
24 billion dollars in debt to the county, but
25 to put our money in place and obviously

Public Works and Parks Committee/6-3-13

2 begin a process of unfortunately the work
3 that needs to be done at Bay Park to move us
4 forward.

5 We look forward to working with
6 you over the next three weeks to see that
7 plan through. Obviously, as well, we will
8 be touching base and reaching out to NIFA.
9 They do play an integral part in this
10 process and for all of you, I've said this
11 before, when the legislature had passed
12 previous projects, and now we're going to
13 get bonding, obviously it impacts on all our
14 projects as we go forth.

15 So the administration, again,
16 looks forward to working with all of you and
17 NIFA as we go forward over the next three
18 weeks.

19 VICE CHAIRMAN KOPEL: Just one
20 question. That is, is it safe to say, is it
21 fair to say that the plan is fairly
22 consistent with past years in terms of
23 numbers except for the Hurricane Sandy
24 related items?

25 MR. WALKER: That is definitely

Public Works and Parks Committee/6-3-13

2 correct.

3 VICE CHAIRMAN KOPEL: Thank you.
4 Anyone else, any questions?

5 LEGISLATOR DENENBERG: Again,
6 first of all, Deputy County Executive Rob
7 Walker, thank you for being here. The
8 minority certainly looks forward to working
9 with you on this plan.

10 The statements I made earlier,
11 before the item was actually called, I would
12 just incorporate in that we have no problem
13 holding off questions to a Full Legislative
14 hearing.

15 I will say that we won't feel it
16 appropriate to immediately then vote because
17 any amendments, any discussion, anything
18 that constituents might want us to put in,
19 or any motions to amend that we might want
20 to make would not get a fair opportunity to
21 be heard or to be considered.

22 So, with that, I'm more than
23 happy to have the minority defer substantive
24 questions to the day of that hearing and I
25 would caution that we would not look to vote

Public Works and Parks Committee/6-3-13

2 on the same day.

3 I do have a question that doesn't
4 have to be answered right now, but it's
5 something that I would like all of us to
6 consider.

7 It's a billion dollars. Of the
8 billion dollars, in regard to capital money,
9 non-sewer and storm water, it's about 340,
10 if I'm not mistaken. And that 340 is
11 increased due to Sandy a little bit as well,
12 but not as much as the 657, I think it is
13 for sewer and storm water --

14 MR. WALKER: 700 million.

15 LEGISLATOR DENENBERG: Okay. So
16 let's say it's 700 million for sewer and
17 storm water and 300 for regular capital
18 plan. In terms of reimbursement hopefully
19 from the federal government, that would then
20 be able to retire whatever debt we take out
21 to get the work done, wouldn't it be
22 advisable to do the sewer and storm water --
23 there were years, many years, that we did
24 sewer and storm water separately as a
25 separate item. It's not broken out here,

Public Works and Parks Committee/6-3-13

2 but as a separate item from the regular
3 capital plan, if only, so that the
4 application to FEMA would be separate and
5 they can consider the sewer and storm water
6 on a much quicker basis and we would be then
7 separating it as well, just to help us with
8 the FEMA reimbursement.

9 It's not something uncommon even
10 for us in the past before disaster response
11 days that the sewer and storm water plan was
12 separate than the county's capital plan.

13 MR. WALKER: We can look -- I'm
14 not opposed to it but we can look.

15 LEGISLATOR DENENBERG: I would
16 personally just request that before the
17 hearing we look into that because I think it
18 might help with any applications we make as
19 well.

20 MR. WALKER: I don't think --
21 they just want to see the funding in place
22 and, depending on the mechanism by which the
23 federal government puts their programs that
24 we are right now awaiting for their guidance
25 as to how their capital program and how

Public Works and Parks Committee/6-3-13

2 their reimbursement program is going to
3 work, then --

4 LEGISLATOR DENENBERG: I'm
5 looking at something right now where
6 wastewater management and reimbursement for
7 wastewater management can be on a different
8 review and a different expedited expenditure
9 line than regular capital projects but it
10 requires that it be a separate item.

11 MR. WALKER: I deal with FEMA
12 every day especially in relation to Bay
13 Park, and they are right now, as we speak,
14 going through different programs. They
15 haven't announced their different funding
16 programs as of today. Those are programs
17 that you're looking at that have existed but
18 they're looking at creating a new expedited
19 program on top of probably what you're
20 reading and what you're referring to so
21 we're waiting for guidance from them as
22 well. But, understand, as I said, we're not
23 opposed.

24 LEGISLATOR DENENBERG: Well, that
25 would be my one request in addition to

Public Works and Parks Committee/6-3-13

2 agreeing that we could wait for more
3 substantive and review questions for the
4 full hearing with the caveat that we would
5 not be inclined to vote right at that
6 hearing otherwise it makes a mockery of the
7 hearing. Thank you.

8 VICE CHAIRMAN KOPEL: Mr. Walker,
9 further to Legislator Denenberg's concerns,
10 are there dates that we need to keep in
11 mind, dates at which these things must be
12 approved?

13 MR. WALKER: I would say this.
14 Bay Park is a ticking time bomb. I don't
15 think that we really can wait at any real
16 dates related to the facility. We're not,
17 this legislature, unanimously working in a
18 bipartisan fashion, pass the Sandy capital,
19 which has made it a lot easier to move
20 forward with the project manager, who, the
21 legislature, the Rules Committee approved
22 last month. They're already on board and
23 started the design process.

24 Time is of the essence obviously.
25 We don't need the money tomorrow, but it's

Public Works and Parks Committee/6-3-13

2 going to become due very soon.

3 VICE CHAIRMAN KOPEL: There's not
4 a specific date we ought to move ahead --

5 MR. WALKER: No. And, again, as
6 I mentioned with FEMA, there are programs
7 that they're looking to develop that we may
8 not have to outlay any cash at all, they may
9 provide us with the funding mechanism by
10 which we just draw down, and then we
11 wouldn't even have to use this bond. This
12 is putting the bond in place if we do need
13 to have it.

14 There's, again, all different
15 federal programs. Some are reimbursement
16 programs, some are not. Some will actually,
17 they'll just draw down the money directly to
18 us and, therefore, we do not need to pass
19 the bond, the resolution.

20 LEGISLATOR DENENBERG: To
21 Legislator Kopel, if there's any exigent
22 circumstance, any emergency, we've already
23 passed 10s of millions of dollars for the
24 sewage treatment plants capital funding
25 because of the emergencies, we'd do it

Public Works and Parks Committee/6-3-13

2 again. Thank you.

3 VICE CHAIRMAN KOPEL: I
4 understand the minority has been very --
5 we've worked together very well, and Looks
6 Great is not on the agenda here, is it?

7 LEGISLATOR DENENBERG: Thank you.

8 VICE CHAIRMAN KOPEL: Legislator
9 Scannell.

10 LEGISLATOR SCANNELL: Just to
11 support that position about separating it
12 out. I think the county exec, when he was a
13 legislator, every year, would sit there
14 during the capital plan and advocate to us
15 that we should separate it out, and each
16 item should come before us, and each item
17 should be approved by us. So I think that
18 it's consistent with the feeling in the
19 past.

20 So, especially with what's
21 happening with Sandy and the sewage
22 treatment plants, the exigency there, I
23 think that he might --

24 MR. WALKER: We're not opposed.

25 VICE CHAIRMAN KOPEL: Any other

Public Works and Parks Committee/6-3-13

2 legislators?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 All those in favor of moving this
7 forward, please say aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 We've unanimously agreed to move
12 this forward. We've got one dissent.

13 LEGISLATOR SCANNELL: Voting yes
14 and the rest of us are voting no, Howard.

15 VICE CHAIRMAN KOPEL: I take it
16 back. We've got five then in favor and two
17 opposed. The item is passed. Motion to
18 adjourn, please.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR VENDITTO: Second.

21 VICE CHAIRMAN KOPEL: Moved by
22 Legislator Walker, seconded by Legislator
23 Venditto. All those in favor of adjourning?

24 (Aye.)

25 Any opposed?

Public Works and Parks Committee/6-3-13

2 (No verbal response.)

3 We are adjourned. Public Safety
4 is next.

5 (Whereupon, the Public Works and
6 Parks Committee adjourned at 2:24 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of June, 2013.

FRANK GRAY